<u>REMARKS/ARGUMENTS</u>

The Applicants originally submitted claims 1-27 in the application. Of these original claims, the Examiner has indicated that claims 15-27 are allowed. The Applicants have not amended, canceled or added any other claims. Accordingly, claims 1-27 are currently pending in the application.

I.   Rejection of Claims 1-14 under 35 U.S.C. §103

The Examiner has rejected claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,208,671 issued to Paulos, *et al.* (Paulos) in view of U.S. Patent No. 6,573,940 issued to Yang. The Examiner asserts Paulos does not teach or suggest each element of independent claims 1 and 8 and cites Yang to cure the deficiencies. (Examiner's Action, pages 4-5). The Applicants respectfully disagree since Yang does not teach or suggest, notwithstanding the Examiner's suggestion to the contrary, applicants' claim element which was indicated to be lacking in Paulos of resampling at least a portion of a receive signal propagating along a receive path couplable to an oscillator, including selecting one of a plurality of intermediate samples thereby providing an output sample that corresponds to a phase of an oscillator, as recited in claims 1 and 8.

Yang discloses a rate converter that receives input samples at an input sample rate of f_{IN} and generates output samples at an output sample rate of f_{OUT}. (*See* column 1, lines 63-65.) In one embodiment, Yang discloses a sample rate converter that includes selector elements coupled to a summing circuit. (*See* column 2, lines 15-17.) The selector elements, however, do not <u>select</u> one of a plurality of intermediate samples to provide an output sample that corresponds to a phase of an oscillator. On the contrary, each of the selector elements receives a respective set of one or more processed data samples and each provides a selected <u>one of the processed data samples</u> to a summer circuit. (*See* column 2, lines 17-20 and Figure 7.) Thus, instead of selecting

2

intermediate samples, all of the selector elements of Yang provide a processed data sample that is generated through delaying and scaling by a particular scaling factor. (*See* column 2, lines 20-23 and the Abstract.) Additionally, since the processed data sample is generated by employing a scaling factor, Yang does not teach or suggest that the processed data sample necessarily corresponds to a phase of the oscillator. (*See* column 2, lines 1-3, lines 21-23, lines 46-52 and element 710 of Figure 5.) Thus, Yang does not teach or suggest each element for which it has been cited.

The cited combination of Paulos and Yang, therefore, does not teach or suggest selecting one of a plurality of intermediate samples thereby providing an output sample that corresponds to a phase of an oscillator as recited in independent claims 1 and 8. Thus, the cited combination of Paulos and Yang does not provide a *prima facie* case of obviousness of independent claims 1 and 8 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103 rejection with respect to claims 1-14.
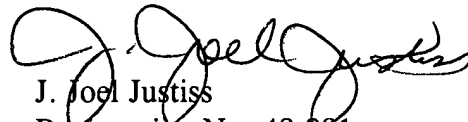
3

II.   Conclusion

The Examiner has already allowed claims 15-27. In view of the foregoing remarks, the Applicants believe that all of the claims currently pending in this application are in condition for allowance and therefore earnestly solicit a Notice of Allowance for all of the pending claims 1-27.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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